

FOR THE DISTRICT OF MASSACHUSETTS
DOCKET NO. 1:17-CV-12462- WGY

ANNA V. KASHPER, Individually and as
Mother and Next Friend of Three Minors and
as Personal Representative of the Estate of
KONSTANTIN M. KASHPER,

Plaintiffs,

v.

TOYOTA MOTOR SALES, U.S.A., INC.
TOYOTA MOTOR CORPORATION,
ENTERPRISE FM TRUST
ENTERPRISE FLEET MANAGEMENT,
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,

Defendants.

**PLAINTIFFS' RESPONSE AND OPPOSITION TO DEFENDANT TOYOTA MOTOR
SALES, U.S.A. INC'S MOTION TO PRECLUDE THE
PLAINTIFF'S EXPERT MARIUSZ ZIEJEWSKI**

First and foremost, the Plaintiffs have withdrawn Mariusz Ziejewski as an expert. A copy of the withdrawal is attached hereto. It is Plaintiffs understand and agreement that the Defendant is to now withdraw this motion, and that Defendant had agreed to do so prior to Plaintiffs withdrawing Mariusz Ziejewski.

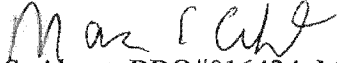
Second, the motion is now moot, as Mariusz Ziejewski has been withdrawn.

Third, the allowance of this motion, especially while now moot, could cause difficulties and embarrassment to Mariusz Ziejewski, who can now when asked testify that he has never been excluded from being an expert witness by a Court.

Fourth, the motion can be construed, and this is probably unintended, to preclude the

Plaintiffs from asserting or arguing the opinions expressed by Mariusz Ziejewski through other witnesses or by other means. Any allowance should be limited to Mariusz Ziejewski only and not the substance of what is in the expert disclosure affidavit that Mariusz Ziejewski signed.

Plaintiffs by their attorney,



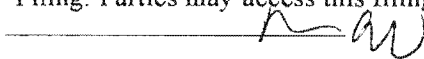
Marc S. Alpert, BBO#016424 Marc S. Alpert, P.C.

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CERTIFICATE OF SERVICE

On October 3, Marc S. Alpert filed electronically and served courtesy copies by e-mail on counsel for all parties. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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TOYOTA MOTOR CORPORATION,
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ENTERPRISE FLEET MANAGEMENT,
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
Defendants.

**PLAINTIFFS' WITHDRAWAL OR NON-DESIGNATION OF MARIUSZ ZIEJEWSKI AS AN EXPERT
WITNESS**

Plaintiffs' withdraw or non-designate Mariusz Ziejewski as an expert witness.

Plaintiffs by its attorney,


Marc S. Alpert, BBO#016420

Marc S. Alpert, P.C.

15 Court Square , #940, Boston, MA 02108-2524

Phone: 617 227-2380, Fax: 866-393-2857

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Certificate of service: I certify that an electronic copy will be served on 10-1-2018 on David Rogers, Jake Lantry,
Grace Garcia, and Kate Messinger.

